

## **REMARKS**

In the Office Action mailed June 18, 2007, the Examiner maintained the rejection of all pending claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,158,625 (Casaccia). Applicant has reviewed Casaccia again and the Examiner's comments, and requests reconsideration of the present claims in view of the remarks below.

To anticipate a claim, each and every element as set forth in the claim must be found in a single reference (MPEP § 2131). Applicant submits that Casaccia does not teach all limitations of any of independent claims 1, 9 or 12.

### **I. The Present Application**

The present invention applies in a scenario where (a) an originating station sent to a conference server an invitation message seeking to set up a conference session with a terminating station via the conference server and (b) the originating station then sends a cancellation message to the conference server before setup of a conference leg between the conference server and the terminating station is complete. (Applicant Specification, p. 5).

If the conference server were to just send a cancellation message to the terminating station, the terminating station would simply ignore the cancellation message if the terminating station has already responded to the invitation message from the conference server.

Instead, in the present invention, when the conference server receives the cancellation message from the originating station, the conference server (i) will complete setup of a conference leg with the terminating station, and (ii) will then send a teardown message to the terminating station to tear down the conference leg with the terminating station.

Claim 1 recites a method of canceling setup of a conference between an originating and a terminating station via a conference server in a scenario where "(a) the conference server has

received an invitation message from the originating station seeking to set up the conference with at least the terminating station,” and “(b) the conference server then receives a cancellation message from the originating station before setup of a conference leg between the conference server and the terminating station is complete,” and the method includes “in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station,” and “(ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station.” Independent claims 9 and 12 include similar language.

In a specific example of the present application using SIP, consider dependent claims 3-5. In that instance, the claims include:

1. The server has received a SIP INVITE message from the originating station seeking to set up a conference with the terminating station (claim 3)
2. The server then receives a SIP CANCEL message from the originating station before setup of the leg between the server and the terminating station is complete (claim 3)
3. In response to the SIP CANCEL message, the conference leg between the conference server and the terminating station is completed by sending a SIP ACK message from the conference server to the terminating station (claims 4-5)
4. Then, a SIP BYE message is sent from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station. (claim 3)

## **II. The Casaccia Reference**

Casaccia teaches a method for automatically terminating a call between a first and second subscriber unit. Specifically, Casaccia teaches using subscriber stations in a fashion similar to

paggers by “ringing” other stations. A first user of a first subscriber station initiates a call to a second user of a second subscriber station and the first user then “hangs up,” i.e., terminates the call, when the first user hears a ring tone indicating that the second subscriber station is ringing. Thus, the first user “rings” the second user. The second subscriber station will capture the identity of the first user and display such to the second user indicating a “missed call”. Such a message may mean that the first user is requesting a call back from the second user, analogous to the first user paging the second user. (Col. 6, lines 3-30).

Casaccia teaches many methods for implementing the paging. In one method, Casaccia teaches using SIP. Initially, Casaccia describes a flow diagram of a conventional SIP media session. In Figure 7, Casaccia describes a first user sending an INVITE message to the server, which forwards the INVITE to a second user. Next, the second user sends a RINGING message to the server, which forwards the message to the first user. (Col. 13, lines 9-58). When the second user accepts the call, the second user sends an OK message to the server, which forwards the OK message to the first user. Then, the first user sends an ACK message directly to the second user, and a media session is created. (Col. 13, line 60 to Col. 14, line 11).

The description of a conventional SIP media session has been known and is described in Applicant’s specification at p. 9-10 (“2. Conventional Conference Session Setup”). Casaccia describes using SIP to implement the paging method in Figure 8.

For the paging method, Casaccia describes the same initial steps of a first user sending an INVITE message, and the second user responding with the RINGING message. However, next, a CANCEL termination message is then sent to the proxy server, which forwards the CANCEL message to the second subscriber station. The call attempt is then terminated at the second

subscriber station, which stops ringing when the termination message from the proxy server is received. (Col. 14, line 12 to Col. 15, line 35).

Casaccia only teaches one scenario including sending a CANCEL message, that is, the method shown in Figure 8. After sending the CANCEL message, as shown in Figure 8, Casaccia states that the call attempt is terminated. No further action is performed. Casaccia does not teach *“in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station,”* as in claim 1. In response to receiving the CANCEL message, Casaccia describes that the server forwards the CANCEL message to the second subscriber station to terminate the call at the second station, which stops ringing when the CANCEL message is received. (Figure 8). Setup of a communication leg is not established between the second subscriber station and the proxy server in response to receiving the CANCEL message.

In fact, setup of a media session is never completed using the paging methods described in Casaccia. That is the point of the invention in Casaccia, to ring a user without having the user answer the call. (Col. 6, lines 3-12). Using the paging method, no media session, as described in Figure 7 (step 738) and as described in Applicant's Conventional conference setup (p. 9-10), is performed. Thus, Casaccia does not teach completing setup of the conference and then tearing down the conference in response to receiving a cancel message, as in the present claims, particularly because setup of a session is not completed using the paging methods of Casaccia.

Applying Casaccia to Applicant's example using SIP as recited in dependent claims 3-5 illustrates another example of how Casaccia fails to teach Applicant's invention. Casaccia

teaches (1) receiving a SIP INVITE message at the server and forwarding the INVITE message to the second user, (2) receiving a RINGING message at the server and forwarding the RINGING message to the first user, and then (3) receiving a CANCEL message at the server and forwarding the CANCEL message to the second user. (Figure 8). In stark contrast, claims 3-5 recite (1) receiving an INVITE message at the server, then (2) receiving at the server a CANCEL message from the originating station before setup of the conference leg between the conference server and the terminating station is complete, (3) in response to the SIP CANCEL message, completing setup of the conference leg between the server and the terminating station by sending a SIP ACK message from the server to the terminating station, and then (4) sending a SIP BYE message from the server to the terminating station to tear down the conference leg between the conference server and the terminating station.

### **III. Response to Examiner's Comments**

The Examiner asserted that Casaccia teaches in response to the cancellation message, (1) completing setup of the conference leg between the conference server and the terminating station and (2) sending a cancel signal from the conference server to the terminating unit to tear down the conference leg between the conference server and the terminating unit within Figure 7 and at Col. 3 at lines 18-59. Figure 7 only shows a conventional flow diagram of a SIP communication system where a media session is created between two subscribers. **Figure 7 does not show any cancel or termination messages.** Thus, Figure 7 cannot teach anything “in response to receiving the cancellation message,” as in the present claims.

In response to Applicant's previous arguments asserting that Casaccia does not teach canceling setup of a conference as recited in the present claims, the Examiner stated that Casaccia teaches a method for canceling a conference leg between the server and the originating

station upon the originating station's discretion and "completing setup conference session between originating station and terminating station; or only ringing the terminating station) and completing the conference session." (Office Action, p. 7). It appears that the Examiner may have asserted that the RINGING function is the same as completing the conference setup because the Examiner cited to Casaccia for teaching initiating a call with an indication to terminate the call, and then terminating the call responsive to receiving the initiation message. (Col. 3, lines 13-17). It seems that the Examiner may be asserting that the teaching of sending an INVITE message that includes the indication to cancel the call, RINGING the second user, and then canceling the call, is the same as that in the present claims. Applicant disagrees. The RINGING function in Casaccia (and in SIP) is not the same as completing setup of a conference. Both Casaccia and Applicant's disclosure describe that a full completion of a conference requires the SIP OK and ACK messages to establish the media session. The media session is not completed until both users accept, whereas the RINGING signal is sent upon the receipt of an INVITE message. Casaccia does not teach setting up a conference in response to receiving a CANCEL message, as in the present claims.

The Examiner next asserted that the disclosure in Figures 7 and 8 of Casaccia do teach the limitations labeled (i) and (ii) in claim 1. The Examiner stated "Casaccia not only teaches the request for cancellation message sent to the conference server by the origination station but also enables the automatic features of cancellation and teardown message." (Office Action, p. 8). Applicant does not see within Casacca "in response to the cancellation message, (i) completing setup of the conference leg between the conference server and the terminating station," and "(ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station," as in claim

1. Figure 7 does not show any cancel or termination messages, and Figure 8 does not show any action occurring after receipt of the cancellation message.

#### **IV. Conclusion**

Applicant respectfully submits that, in view of the remarks above, all of the pending claims are allowable over the cited references. Applicant therefore respectfully requests withdraw of the current rejections.

If the Examiner still believes that Casaccia teaches all elements of all claims of the present application, Applicant requests the Examiner to clearly identify on an element by element basis where the elements are taught in Casaccia. The current sections cited by the Examiner in the past two Office Actions do not do so. If the Examiner has any questions, the Examiner is invited to call the undersigned at (312) 913-3331.

Respectfully submitted,

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